HVC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Apolinar SIXTO-Hernandez** Defendant.	Magistrate Case No. '08 MJ 2241 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326; Deported Alien Found in the United States

FILED 08 JUL 24 AM 9:51 U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA BY: ECG DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **July 16, 2008,** within the Southern District of California, defendant, **Apolinar SIXTO-Hernandez**, an alien who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States without the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States, in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Immigration Enforcement Agent;
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **24th** DAY OF **July 2008.**

UNITED STATES MAGISTRATE JUDGE

HWC

PROBABLE CAUSE STATEMENT

On July 16, 2008, the defendant identified as, Apolinar SIXTO-Hernandez, was apprehended by the United States Border Patrol during a traffic stop on Highway 78 in San Diego, California. Record checks revealed that the defendant had an outstanding warrant with the San Diego Superior Court and was subsequently booked into the Vista Detention Facility where a Form I-247 "Immigration Detainer" was placed pending his release from local custody.

On July 23, 2008, the defendant was released from local custody and was referred to the custody of the United States Immigration and Customs Enforcement (ICE) at San Diego, California. An Immigration Enforcement Agent reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico who was previously deported or removed from the United States on at least one occasion.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed the defendant was most recently ordered removed or deported from the United States by an Immigration Judge on or about June 4, 1997; and removed to Mexico on July 30, 1998 through the Otay Mesa, California, Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States lawfully.

The Automated Biometric Fingerprint Identification System (IDENT) was utilized and compared the defendant's fingerprints to those contained in this database. The results confirmed his identity as Apolinar SIXTO-Hernandez, a citizen and national of Mexico.